

CLEC Applications, Tariffs and Interconnection Agreements

Application for Certificate of Service Authority to Provide Competitive Basic Local Exchange Service (CLEC) on a Facilities and/or Resold Basis.

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SECTION I - General Information

Filings must conform to the Missouri Revised Statutes

<http://www.moga.state.mo.us/homestat.htm>, 4 CSR 240-2.060-PSC Practice and Procedure <http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-2.pdf>, and 4 CSR 240-3 Filing and Reporting Requirements <http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>. Additional web page address links to statute and rule references are included throughout this packet. If the application does not conform to the Missouri Revised Statutes or 4 CSR 240-2, the application might be rejected until such time as all deficiencies are corrected.

For additional information, contact the Telecommunications Department of the Missouri Public Service Commission at telcopsc@mail.state.mo.us.

1.0 Definition of Basic Local Exchange Service

Includes, at a minimum, two-way switched voice service within a local calling scope as determined by the Commission. 386.020(4) RSMo.

<http://www.moga.state.mo.us/statutes/c300-399/3860020.htm>

1.1 Definition of Prepaid Basic Local Service

Service for which a Customer pays for prior to being provided service and for which a Company does not perform consumer credit checking and application scoring and does not require a deposit from the Customer.

1.2 Procedure and Timeline

An original and 8 copies of the application are submitted to the Missouri Public Service Commission (PSC or Commission) at the following address.

Mr. Dale Hardy Roberts, Chief Regulatory Law Judge/Secretary
Missouri Public Service Commission
Governor Office Building
Records Department
P.O. Box 360
200 Madison, Suite 100
Jefferson City, MO 65102 - 0537

One copy of the filing and the cover letter shall be served on the Office of the Public Counsel

[4 CSR 240-2.080 (4) <http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-2.pdf>] at the following address.

Office of Public Counsel
Governor Office Building
P.O. Box 7800
200 Madison, Suite 650
Jefferson City, MO 65102

The “file date” is the date when any document is accepted and logged by the PSC Records Department. Because of the timing involved in negotiating and receiving Commission approval of interconnection agreements, Applications for Authority to provide Basic Local Telecommunications Service typically request a waiver of 4 CSR 240-3.510 (1) (C) <http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>, the requirement to file tariffs with the Application.

Within approximately 3 weeks, the Commission will issue a Notice of Application, a legal document that informs interested parties of the filing. The Notice will provide a description of the Applicant's purpose and the PSC waivers requested by Applicant. The Notice will also establish a date (approximately 30 days from the Notice issue date) by which interested parties may intervene. Parties wishing to intervene must file a Motion to Intervene.

After the Telecommunications Department Staff (Staff) reviews the application and the intervention time allowance has lapsed, Staff files, into the official case file, a “Staff Recommendation” for Commission approval or rejection. If a party intervenes in the filing, the parties generally enter into a Stipulation and Agreement in lieu of the filing of a “Staff Recommendation”. Staff will then file Suggestions in Support of the Stipulation and Agreement. The Commission will issue its decision based on information provided in the Staff Recommendation or the terms of the Stipulation and Agreement.

In its Order Granting Conditional Certificate of Service Authority, the Commission typically grants waiver of 4 CSR 240-3.510 (1) (C) <http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf> and orders the filing of tariff sheets with a minimum 45-day effective date reflecting the rates, rules, regulations and the services it will offer within 30 days after the effective date of a Commission order approving an interconnection agreement.

Thus, in addition to the Application, the Applicant must also submit interconnection agreements negotiated between the Applicant and each incumbent local exchange telecommunications company in which Applicant proposes to provide basic local service. The tariff associated with an application for Certificate of Service Authority to provide Basic Local Exchange Telecommunications Service will have a 45-day effective date. The 45 days begins with the date filed at the Commission. The State of Missouri observes the following holidays:

New Year's Day	Independence Day
Martin Luther King, Jr. Day	Labor Day
Lincoln Day (Observed)	Columbus Day
Washington's Birthday (Observed)	Veterans Day
Truman Day (Observed)	Thanksgiving Day
Memorial Day	Christmas Day

If additional information is required, it may be necessary to file substitute/replacement tariff sheets (original and 5 copies) and it may be necessary to extend the effective date. The effective date should only be extended via cover letter. The issue and effective dates

of the original tariff filing and any substitute/replacement sheets remain unchanged from the original filing.

SECTION II – Application Instructions

The following information may assist you in submitting a complete application.

2.0 Public Interest Statement – 392.430 RSMo.

<http://www.moga.state.mo.us/statutes/c300-99/3920430.htm> and 392.440 RSMo.

<http://www.moga.state.mo.us/statutes/c300-399/3920440.htm>

Include in the application a statement explaining why granting the requested certificate is in the public interest.

2.1 Proper Secretary of State Authorization – 4 CSR 240-2.060

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-2.pdf>

The application must state that the Applicant has proper Secretary of State authorization. Include as an exhibit:

- ♦ *If a Missouri corporation*, a Certificate of Good Standing from the Secretary of State;
- ♦ *If not a Missouri corporation*, a certificate from the Secretary of State that it is authorized to do business in Missouri;
- ♦ *If a partnership*, a copy of the partnership agreement; and/or
- ♦ *If the business* will be conducted under a fictitious name, submit a copy of the registration of the fictitious name with the Secretary of State.

2.2 Pending action or final judgment – 4 CSR 240-2.060

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-2.pdf>

Include in the application a statement indicating whether the applicant has any pending action or final unsatisfied judgment or decisions against it from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within 3 years of the date of application.

2.3 Annual Reports and Assessment Fees – 4 CSR 240-2.060

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-2.pdf>

Include in the application a statement that no annual report or assessment fees are overdue.

2.4 Services – 4 CSR 240-3.510 (1) (A) <http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>

The Application should contain a request to be classified as a competitive telephone company and a description of how the Applicant intends to provide service (i.e., facilities based, resale, or both facilities and resale). For example, if service is being provided through “pure” resale, Staff would not expect to review a switched exchange access tariff. However, if the applicant indicates it is providing facilities based service, Staff will expect submittal of a switched exchange access tariff which should reference a different MoPSC number than the basic local service tariff. Applicant should request that all services be classified as competitive.

2.5 Listing of Waivers

Applications for basic local exchange telecommunications services should contain a

listing of the waivers (392.420 RSMo <http://www.moga.state.mo.us/statutes/c300-399/3920420.htm>) of Missouri statutes and Commission rules that have been waived by

the Commission. If additional waivers are requested, Staff will make further inquiries of Applicants during the review process. All requested waivers should also be listed in the associated tariff when submitted.

<u>Rule/Statute</u>	
392.210.2	Uniform System of Accounts
392.240.1	Just & Reasonable Rates
392.270	Ascertain Property Values
392.280	Depreciation Accounts
392.290	Issuance of Securities
392.300.2	Acquisition of Stock
392.310	Issuance of stock and debt
392.320	Stock dividend payment
392.330	Issuance of securities, debts & notes
392.340	Reorganizations
4 CSR 240-10.020	Depreciation fund income
4 CSR 240-3.545 (2)(C)	Rate schedules should be posted at central office
4 CSR 240-30.040	Uniform system of accounts
4 CSR 240-3.550 (5) (C)	File exchange boundary maps with Commission
4 CSR 240-33.030	Inform customers of lowest price

2.6 Technical, Managerial Resources and Abilities 392.455 RSMo

<http://www.moga.state.mo.us/statutes/c300-399/3920455.htm>

The Application should describe the technical and managerial abilities of Applicant, including any individual qualifications, in an exhibit. As this is a statutory requirement, failure to provide this information may result in a processing delay or application rejection.

2.7 Financial Criteria - 392.455 RSMo (2) <http://www.moga.state.mo.us/statutes/c300-399/3920455.htm>

An Application should contain twelve (12) months of historical financial statements to include a balance sheet and an income statement, and, on a pro forma basis, at least twelve (12) months of financial statements to include a balance sheet and an income statement. The financial data should reflect Missouri specific information; however, company-wide financial information may be substituted. As this is a statutory requirement, failure to provide this financial information may result in a processing delay or application rejection.

The financial information will be used in the following financial tests.

1. The applicant should have a debt to total capital ratio no greater than 62% and a pretax interest coverage of at least 2.3x.
2. The applicant should have a cash balance of four months operating expenses inclusive of interest expense and taxes.

2.8 Geographic Area - 4 CSR 240-3.510 (1) (B)

<HTTP://WWW.SOS.STATE.MO.US/ADRRULES/CSR/CURRENT/4CSR/4C240-3.PDF>

The Application should include a statement as to the geographic area in which Applicant proposes to provide service, identifying the Incumbent Local Exchange Carrier in that area. The areas follow the exchange boundaries of the incumbent and shall be no smaller than an exchange pursuant to Section 392.455(3) RSMo

<http://www.moga.state.mo.us/statutes/c300-399/3920455.htm>.

2.9 Separate and Distinct Service - 392.455 RSMo <http://www.moga.state.mo.us/statutes/c300-399/3920455.htm>

The Application should include a statement that Applicant will offer basic local telephone service as a separate and distinct service.

2.10 Equitable Access - 392.455 RSMo <http://www.moga.state.mo.us/statutes/c300-399/3920455.htm>

The Application should include a statement that Applicant will give consideration to equitable access for all Missourians, regardless of where they live or their income, to affordable telephone services in the area proposed.

2.11 Willingness to Comply with PSC Regulations - 392.455 RSMo

<http://www.moga.state.mo.us/statutes/c300-399/3920455.htm>

The Application should include a statement that Applicant is willing to comply with PSC regulations and is willing to meet all relevant service standards including, but not limited to billing, quality of service and the filing and maintaining of tariffs.

2.12 Tariff Filing Requirement - 4 CSR 240-3.510 (1) (C)

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>

The Application may include a statement requesting a temporary waiver of the requirement that an application for a certificate of service authority to provide basic local exchange service shall include a proposed tariff with a forty-five (45) day effective date.

2.13 Sample Application

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the matter of the Application of _____)
_____ for a)
certificate of service authority to)
provide Basic Local Telecommunications) Case No. (For Commission use only)
Service in portions of the State of)
Missouri and to classify said services and)
the company as competitive.)

APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY TO PROVIDE BASIC LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE AND FOR COMPETITIVE CLASSIFICATION

4 CSR 240-2.060

Comes now _____, by its undersigned counsel, and hereby applies pursuant to Sections 392.361, 392.420, and 392.430 RSMo 1994, 392.410, 392.450 RSMo Supp. 1996, the federal Telecommunications Act of 1996, and 4 CSR 240-2.060, for authority to provide basic local telecommunications service in portions of the State of Missouri and to classify said service and company as competitive. In support of its application _____ states as follows:

1. Applicant _____ is a corporation duly organized and existing under and by virtue of the laws of the State of _____ **(Detail the company's authorization to do business. Be sure to refer to an Exhibit containing copies of relevant documents from the state in which the company is incorporated and, if incorporated in a state other than Missouri, a copy of the certificate of authority to conduct business in Missouri.)**

2. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to the case should be addressed to:

(Name and address of company's counsel(s))

In addition provide:

(Street and mailing address of principal office or place of business and contact person)

3. _____ proposes to provide basic local exchange telecommunications service on a (facilities) (resold) (facilities and resold) basis, throughout all exchanges currently served by the incumbent local exchange telecommunication company(ies) of **[may be one or more of the following "large" ILECs: Southwestern Bell Telephone Company (SWBT), Sprint, GTE d/b/a Verizon, or Spectra; please refer to Section 392.451 RSMo Cum. Supp 1996 if applying to serve in a "small" I-LEC area).** The specific **[SWBT, Sprint, Verizon or Spectra]** exchanges within which _____ proposes to offer service are listed in the incumbent providers respective local exchange tariffs. _____ may seek authority to provide this service in other areas of the state in a subsequent proceeding.

4. Pursuant to this application _____ seeks to offer and provide all forms of basic local telecommunications

service, including: _____ **(Detail the company's planned service offerings as necessary.)**

5. _____ possesses the technical and managerial expertise and experience necessary to provide the services it proposes. Description of backgrounds of _____ management, which demonstrate the extensive experience and expertise, are attached hereto and incorporated herein by reference as Exhibit _____. _____ also possesses the necessary financial resources. _____ **(Include an exhibit of the applicant's financial ability as previously discussed in this packet.)**

392.450
.1 (1)

6. _____ seeks classification of itself and its services as competitive.

7. _____ will offer basic local telecommunications service as a separate and distinct service in accordance with applicable law. _____ will give consideration to equitable access for all Missourians, regardless of where they might reside or their income, to affordable telecommunications services in _____s proposed service areas in accordance with applicable law.

8. _____ is willing to comply with all applicable Commission rules and is willing to meet all relevant service standards, including, but not limited to billing, quality of service, and tariff filing and maintenance in a manner consistent with the Commission's requirements for incumbent local exchange carrier(s) with whom _____ seeks authority to compete. Additionally, _____ agrees that, pursuant to Section 392.455(3) & (4) RSMo Cum Supp. 1996, its service area shall be no smaller than a exchange and _____ will offer basic local telecommunications service as a separate and distinct service. Consistent with the Commission's treatment of other certificated competitive local exchange telecommunications companies, _____ requests that the following statutes and regulations be waived for _____ and its basic local exchange service offerings:

Statutes

392.210.2
392.240.1
392.270
392.280
392.290
392.300.2
392.310
392.320
392.330
392.340

Missouri Public Service Commission Rules

4 CSR 240-10.020
4 CSR 240-3.545 (2) (C)
4 CSR 240-30.040
4 CSR 240-3.550 (5) (C)
4 CSR 240-33.030

9. _____ further requests a temporary waiver of 4 CSR 240-3.510(1)(C). This rule requires that an application for a certificate of service authority to provide basic local exchange service shall include a proposed tariff with a forty-five day effective date. _____ finds it impossible at this time to develop tariffs to fully comply with this rule since _____ has not yet executed or received Commission approval of any interconnection and/or resale agreements with incumbent local exchange carrier(s). At such time as all facts necessary for the development of such tariffs are known to _____, it will promptly file said tariffs bearing no less than a 45 day effective date with the

Commission in a manner consistent with the Commission's practice in similar cases. In any circumstance, applicant will file its proposed basic local exchange telecommunications service tariff no later than 30 days after Commission approval of applicant's interconnection and/or resale agreement.

10. _____ submits that the public interest will be served by Commission approval of this application because _____s proposed services will create and enhance competition and expand customer service options consistent with the legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 RSMo. Prompt approval of this application also will expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri.

11. _____ submits, notwithstanding the provisions of Section 392.500 RSMo., as a condition of certification and competitive classification, _____ agrees that, unless otherwise ordered by the Commission, _____ originating and terminating switched exchange access rates will be no greater than the lowest Commission-approved corresponding access rates in effect for each ILEC within whose service area(s) _____ seeks authority to provide service. Additionally, pursuant to the Commission's Report and Order in Case No. TO-99-596, _____ agrees that if the ILEC in whose service area _____ is operating decreases its originating and/or terminating access service rates, _____ shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within thirty (30) days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap on switched exchange access rates.

WHEREFORE, applicant _____ respectfully requests that the Commission grant it a certificate of service authority to provide basic local telecommunications services as herein requested, classify _____ and its proposed services as competitive, and grant a waiver of the aforesaid statutes and regulations.

Respectfully submitted,

(Local counsel's name, MO BAR #, address.)

ATTORNEY FOR APPLICANT

SECTION III – Tariff Instructions

The following information may assist you in submitting a complete tariff. This information applies whether the tariff is submitted with the application or in accordance with filing instructions received in an Order Granting Waiver of 4 CSR 240-2.060 (6) (C).

3.0 Provision of Basic Local Telecommunications Service – Refer to 4 CSR 240-32.100

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-32.pdf>

3.1 Complies with PSC Rules and Missouri Revised Statutes applicable to Applicant – 392.455 RSMo.

3.2 An initial tariff should have all original sheets/pages.

3.3 Overall Format – 4CSR 240-3.545

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>

The tariff sheets shall conform to 4 CSR 240-30.010 (i.e., page layout).

3.4 Title Page or Sheet – 4 CSR 240-3.545 (11) - (*Resold/Facilities Based/Prepaid*)

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>

If the Applicant receives competitive classification, the Applicant should include a title sheet to indicate that the Applicant operates as a “Competitive Telecommunications Company.”

3.5 Application of Tariff –Undertaking of the Applicant - 4 CSR 240-3.545 (*Resold and/or Facilities Based/Prepaid*) Use this section to describe to whom the tariff applies and under what circumstances the Applicant is providing service. The tariff will need to state if it is a reseller and/or facilities-based tariff and if it is for business services only, residential services only, or a combination of the two.

3.6 Listing of Waivers

Tariffs for basic local services should contain a *listing of the waivers* (392.420 RSMo <http://www.moga.state.mo.us/statutes/c300-399/3920420.htm>) of Missouri statutes and Commission rules that have been waived by the Commission. This listing should be identical to the list of waivers requested in the application. (Refer to the waivers listed in Section II – Application Instructions).

3.7 Table of Contents – 4 CSR 240-3.545 (12) (A)

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>

Tariffs should contain a "full and complete" *Table of Contents* (sections, topics and sub-topics) with the exact location where information will be found. The table of contents should be divided by general heading and subjects and should specify page or item numbers.

3.8 Explanation of Symbols/Tariff Format – 4CSR 240-3.545 (12) (K)

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>

All tariffs should contain references to symbols used to make future changes to the tariff.

3.9 Check Sheets

Check sheets should not be included in Missouri tariffs.

3.10 Definitions – (*Resold and/or Facilities Based*) - 4 CSR 240-30

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-30.pdf>

All tariffs should contain a section describing the technical terms and abbreviations pertaining to the Applicant's services.

3.11 Company Liability - (*Resold and/or Facilities Based/Prepaid*)

Applicant may limit its liability for its negligence in handling an emergency call. Applicant may not limit its liability for its gross negligence or intentional wrongdoing in handling an emergency call.

3.12 Customer Liability - (*Resold and/or Facilities Based/Prepaid*)

3.13 Exchanges to provide service - 4 CSR 240-3.550 (5) (C)

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>

The tariff should clearly indicate the area the Applicant is proposing to serve.

3.14 Residential Service - 4 CSR 240-33.040

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-33.pdf>

Applicant's Practices and Procedures must not conflict with the Commission's Rules regarding monthly billing (i.e., 21 days to payment due date, etc.).

3.15 Operator Service Requirements – 4CSR 240-33.130

If the Applicant offers operator services, the following standard Commission language must be included:

- 1) Company will not bill for incomplete calls where answer supervision is available. Company will not bill for incomplete calls and will remove any charges for incomplete calls upon (i) subscriber notification or (ii) Company's knowledge.
- 2) The caller and billed party, if different from the caller, will be advised that the Company is the operator service provider at the initial contact.
- 3) Rate quotes will be given upon request, at no charge, including all rate components and any additional charges.
- 4) Only tariffed rates approved by this Commission for Company shall appear on any local exchange telephone Company (LEC) billings.
- 5) Company shall be listed on the LEC billing if the LEC has multi-Company billing ability.
- 6) Company will employ reasonable calling card verification procedures, acceptable to the Telephone Company issuing the calling card.

- 7) Company will route all 0 – or 00 – emergency calls in the quickest possible manner to the appropriate local emergency service provider, at no charge.
- 8) Upon request, Company will transfer calls to another authorized interexchange Company or to the LEC, if billing can list the caller's actual origination point.
- 9) Company will refuse operator services to traffic aggregators that block access to other Companies.
- 10) Company will assure that traffic aggregators will post and display information including: (1) that Company is the operator service provider; (2) detailed complaint procedures; and (3) instructions informing the caller on procedures to reach the LEC operator and other authorized interexchange Companies.

Note: The above language is not required for companies that provide service to correctional facilities. The Commission has waived the requirement to place operator service language in tariffs of Applications that only provide operator services in correctional facilities. For example, see Case No. TA-98-269 (T-NETIX); TA-99-565 (Kataman Comm.); & TR-89-264 (MCI) Rates for services provided exclusively to corrections facilities are not required to be tariffed.

3.16 Directory Assistance Services – (*Resold and/or Facilities-based, except pre-pay*)

If Directory Assistance Services are billed for, the rate should be set forth in the tariff.

3.17 911 Requirements – 4 CSR 240-34

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-34.pdf>

Ensure that the tariff contains at a minimum the following standard language.

- 1) (Applicant) is obligated to supply the E-911 service provider in (Applicant) service area with accurate information necessary to update the E-911 database at the time (Applicant) submits customer orders to the local exchange telecommunications company whose service is being resold pursuant to these tariffs.
- 2) At the time (Applicant) provides basic local service to a Customer by means of (Applicant's) own cable pair, or over any other exclusively owned facility, (Applicant) will be obligated to make the necessary equipment or facility additions in order to accurately and properly update the database for E-911.
- 3) (Applicant) will be obligated to provide facilities to route calls from the end users to the proper Public Safety Answering Point. (Applicant) recognizes the authority of the E-911 customer to establish service specifications and grant final approval or denial of service configurations offered by (Applicant).

- 4) (Applicant) will collect 911 surcharges and remit all surcharge revenue to the appropriate governmental entity pursuant to RSMo 190.310. (Applicant) will observe and adhere to the Commission's emergency telephone service rules in 4 CSR 240-34.

3.18 Number Intercept Treatment – (*facilities-based*) 4 CSR 240-32.050 (5)

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-32.pdf>

Tariffs should contain a statement to the effect that upon changing a Customer's telephone number, the Applicant will make this service known to the Customer and provide this service for a minimum of 30 days at no charge to the Customer, provided the Customer so desires.

3.19 Cancellation/Termination Liability – (*facilities-based/resale/pre-paid*)

Tariff terms should be clear and understandable.

3.20 Description of Services – (*facilities-based/resale/pre-paid*)

The tariff should offer basic local service as a separate and distinct service as required by 392.455 RSMo <http://www.moga.state.mo.us/statutes/c300-399/3920455.htm>. All services offered should be clear as to the meaning and rates.

3.21 Rate Schedule – (*facilities-based/resale/pre-paid*) 4 CSR 240-3.545

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>

The tariff should include a rate schedule of all services and the associated rate(s).

3.22 Calling Scopes – (*facilities-based/resale/pre-paid*)

The areas which may be called without incurring an additional charge should be clearly set forth in the Company's tariff. It is acceptable to concur in the calling scope of the incumbent by placing a concurrence statement in the Applicant's tariff. If the CLEC does not concur with the incumbent's local calling area, the CLEC should be required to list its own calling scope.

3.23 Late Payment Fees – (*facilities-based/resale/pre-paid*) 4 CSR 240-33.040 (5)

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-33.pdf>

If late payment fees are assessed, the rate should be in the tariff; frequently, companies charge 1.5% on delinquent accounts.

3.24 Disputed Charges - (*facilities-based/resale/pre-paid*) 4 CSR 240-33.080 (1)

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-33.pdf>

This Commission Rule states in part that "(A) customer may advise a telephone utility that all or part of a charge is in dispute by written notice, in person, or by a **telephone message...**" (emphasis added). Tariffs should not restrict customers from disputing charges by telephone. (Refer to Discontinuance of Service – 4 CSR 240-33.070

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-33.pdf>)

3.25 Discontinuance of Service to Residential Customers – (*facilities-based/resale/pre-paid*)

4 CSR 240-33.070 <http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-33.pdf>

For residential customers, the Commission has very clear rules that pertain to disconnecting a customer's service. Residential service may not be disconnected for any other reason.

Telecommunications service may be discontinued for any of the following reasons:

- 1) Nonpayment of a delinquent charge;
- 2) Failure to post a required deposit or guarantee;
- 3) Unauthorized use of telecommunications company equipment in a manner which creates an unsafe condition or creates the possibility of damage or destruction to such equipment;
- 4) Failure to comply with terms of a settlement agreement;
- 5) Refusal after reasonable notice to permit inspection, maintenance or replacement of telecommunications company equipment;
- 6) Material misrepresentation of identity in obtaining telecommunications company service; or
- 7) As provided by state or federal law.

Prior to discontinuance, Applicant will send written notice by first-class mail notifying Customer of the impending discontinuance at least ten (10) days prior to the discontinuance of service. Service shall not be discontinued until ten (10) days after such notice, and basic local telephone service may not be discontinued for failure to pay charges other than basic local telephone service, nor may basic local telephone service be discontinued for failure to pay charges not subject to the jurisdiction of the Commission. Additionally, Applicant will make reasonable efforts to contact the customer at least 24 hours in advance prior to discontinuance of telephone service. Service may be discontinued during normal business hours on or after the date specified in the notice of discontinuance, but service may not be discontinued on a day when the offices of Applicant are not available to facilitate reconnection or on a day immediately proceeding such day.

Residential Medical Emergency

Moreover, Applicant will postpone a discontinuance for a time not in excess of 21 days if the telephone is necessary to obtain emergency medical assistance for a person who is a member of the household where the service is provided and where such a person is under the care of a physician. Any person who alleges such an emergency shall, if requested, provide Applicant with reasonable evidence of such necessity.

3.26 Billing and Payment Procedures – (facilities-based/resale/pre-paid)

4 CSR 240-33.040 <http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-33.pdf>

Companies proposing to offer basic local exchange service are expected to follow the Commission's rules governing basic local service provisioning to residential customers.

- (1) A telecommunications company, after the initial bill for new service is rendered, shall render a bill during each billing period except when the bill has a "00" balance.
- (2) Except where otherwise authorized by Commission rules, a telecommunications company may render bills on a cyclical basis if the bill is rendered on or about the same day or each month or as otherwise agreed to by the customer.
- (3) If a telecommunications company does not expressly offer a preferred payment date plan, a customer shall have at least twenty-one (21) days from the rendition of a bill to pay the charges stated. If the charges remain unpaid for twenty-one (21) days from rendition of the bill such charges will be deemed delinquent.
- (4) The first bill for which a customer received service and on the last bill for which the customer received service. If a telecommunications company has a preferred payment date plan which it has expressly offered to all its customer, the charges are due on or before the due date under the plan. Charges not paid by the due date may be deemed delinquent.
- (5) A telecommunications company may assess a penalty charge upon a delinquent account. Such charge shall be specifically stated in the company's tariff.
- (6) Every bill shall clearly state-

- a. The number of access lines for which charges are stated;
 - b. The beginning or ending dates of the billing period for which charges are stated;
 - c. A statement of the date the bill becomes delinquent if not paid;
 - d. Penalty fees and advance payments, if any;
 - e. The unpaid balance, if any;
 - f. The amount due for basic service;
 - g. An itemization of the amount due for all other regulated or nonregulated service including the date and duration (in minutes or seconds) of each toll call if such service is provided as an individual service;
 - h. The amount due for all other regulated or nonregulated services offered at a packaged rate and an itemization of each service included in the package;
 - i. An itemization of the amount due for taxes, franchise fees and other fees and/or surcharges which the telecommunications company, pursuant to its tariffs, bills to customers;
 - j. The total amount due;
 - k. A toll free telephone number where inquiries and/or dispute resolutions may be made for each company with charges appearing on the customer's bill;
 - l. The amount of any deposit, advance payments and/or interest accrued on a deposit which has been credited to the charges stated; and
 - m. Any other credits and charges applied to the account during the current billing period.
- (7) The amount of any deposit held by the company and the interest accrual rate shall be stated on
- (8) During the first billing period in which a customer receives service, a customer must receive a bill insert or other written notice that contains an itemized account of the charges for the equipment and service for which the customer has contracted.

3.27 Advance Payments/Deposit - (*facilities-based/resale/pre-paid*) 4 CSR 240-33.050

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-33.pdf>

Advanced payments/deposits can be collected when the Applicant feels it is necessary due to unknown or poor credit. However, the advance payment must be applied to the first month billing, second month billing, etc., until the advance payment is exhausted. Otherwise, the advance payment is nothing more than a deposit.

3.28 Interest - (*facilities-based/resale/residential*) 4CSR 240-33.050

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-33.pdf>

Interest must be paid on residential deposits and the tariff must state the interest rate to be paid. A deposit shall be subject to the following terms:

- (a) It shall not exceed the estimated charges for two (2) months' service based on the average bill during the preceding twelve (12) months, or, in the case of new applicants for service, the average monthly bill for new subscribers within a customer class;
- (b) It shall bear interest at a rate which is equal to one percent (1%) above the prime lending rate as published in the Wall Street Journal. This rate shall be adjusted annually on December 1 using the prime lending rate, as published in the Wall Street Journal on the last business day of September of each year plus one percent (1%). The interest shall be credited annually upon the account of the customer or paid upon the return of the deposit, whichever occurs first. Interest shall not accrue on any deposit after the date on which a reasonable effort has been made to return it to the customer. Records shall be kept of efforts made to return a deposit;

- (c) Upon discontinuance or termination, it shall be credited, with accrued interest, to the charge stated on the final bill and the balance, if any, shall be returned to the customer with-in twenty-one (21) days of the rendition of such final bill;
- (d) Upon satisfactory payment of all undisputed charges during the last twelve (12) billing periods, it shall with accrued interest be promptly refunded or credited against charges stated on subsequent bills. A telecommunications company may withhold refund of a deposit pending the resolution of a dispute with respect to charges secured by such deposit;
- (e) A telecommunications company shall maintain records which show the name of each customer who has posted a deposit, the current address of such customer, the date and amount of deposit, the date and amount of interest paid and the earliest possible refund date'
- (f) A telecommunication company shall upon request provide within ten (10) days a receipt that contains the following information:
 - 1. Name of customer;
 - 2. Added where the service for which the deposit is required will be provided;
 - 3. Place where deposit was received or a designated code which identifies the location;
 - 4. Date when the deposit was received;
 - 5. Amount of the deposit; and
 - 6. The terms which govern retention and refund of the deposit.
- (g) A telecommunications company shall maintain a record of the deposit refunded and interest paid on such deposit for a period of at least two (2) years after the refund is made; and
- (h) A telecommunications company shall permit a customer to post a deposit required as a condition of continued service in two (2) equal monthly installments or as otherwise agreed upon. A company may bill these installments as a line-item on customer bills.

3.29 Settlement Agreements - (*facilities-based/resale/residential*) 4 CSR 240-33.090
<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-33.pdf>

3.30 Rate Bands – (*facilities-based/resale/pre-paid*) 392.510
<http://www.moga.state.mo.us/statutes/c300-399/3920510.htm>

Rate bands are legally permitted for competitive companies; however, the Commission has previously indicated that customers must be notified 10 days in advance if the customer is to experience any form of rate increase as a result of rate changes occurring within rate bands. Also, if the Applicant implements rate bands, the tariff must contain a rate sheet indicating which rate is currently in effect.

3.31 Unjust rate discrimination – 392.200 <http://www.moga.state.mo.us/statutes/c300-399/3920200.htm>

Unjust rate discrimination has been found by the Commission to be applicable only when a particular customer is tied to a particular service by a particular Company (Case

No.TA-97-264). As long as the customer is not held captive to the Company (i.e., the customer has choices), no unjust rate discrimination can occur.

3.32 Collection and Remittance of all Applicable Local and State Taxes, 911 surcharges, Federal End User and Relay Missouri Charges - (*facilities-based/resale/pre-paid*) 4 CSR 240-33.040 (6) <http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-33.pdf>

It is the policy of the Commission to require tariff approval of all state-specific regulated items appearing on a customer's invoice. If the carrier itemizes certain surcharges on a customer's invoice, language authorizing the itemizations are to be included in the carrier's tariff. Examples include: a state USF charge; Relay Missouri surcharge; E-9-1-1 charges, commission assessment charges, pay telephone surcharges, etc. The Staff will not recommend approval of automatic "pass through" charges, especially if such charges appear to be disguised in generalities which may be confusing to customers.

Carriers are strongly encouraged to omit any tariff language referencing federal or other jurisdictional charges. Examples include: the PIC-C; federal USF, EUCL; number portability charges, "national access fees" etc. The state of Missouri does not have jurisdiction of such matters, and the Commission does not want these items appearing in a Missouri-specific tariff. To avoid duplication, it is recommended that a single tariff section be used to reference all taxes and surcharges. These items are required by the Commission Rule to be itemized separately. The following language is an example of what has previously been approved by the Commission. The italicized portion is mandatory for all tariffs where references to taxes and surcharges is made.

The customer is responsible for the payment of any sales, use, gross receipts, excise or other local, state and federal taxes, charges or surcharges (however designated) excluding taxes on the Company's net income imposed on or based upon the provision, sale or use of network services. Company will itemize taxes and surcharges as separate line items on the customer's bill. All charges other than taxes and franchise fees will be submitted to the Commission for prior approval.

3.33 Promotional Language - (*facilities-based/resale/pre-paid*)

Promotions for competitive companies can be allowed to go into effect on 7 days prior tariff notice to the Commission. The following tariff wording is suggested:

Promotions are allowed to go into effect after 7 days prior notice to the Commission for competitive companies and after 10 days prior notice to the Commission for non-competitive companies (i.e., incumbent local exchange carriers). Promotions must be offered under tariff, and prior notification to the Commission via a tariff filing is required. Promotions must have established start and end dates and must be offered in a non-discriminatory manner. In order to offer promotions upon 7 or 10 days prior notice to the Commission, the following tariff language is strongly encouraged:

(Applicant) will provide tariff notification to the Commission no less than (7) days prior to the beginning of each promotion identifying the promotion, the exchange(s) within which the promotion will be offered, and the start and end dates of the promotion. (Applicant) will offer all promotions in a non-discriminatory manner.

3.34 Concurrences in the Terms and Conditions of an Approved Missouri Tariff – (facilities-based/resale/pre-paid) 4 CSR 240-3.545 (33)

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>

If Applicant wishes to concur in a previously approved Missouri tariff, the tariff should include language as set forth in 4 CSR 240-3.545 (33)

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>

Examples of tariff concurrences previously approved by the Commission include:

- 1) distance learning for schools
- 2) switched access services and/or rates
- 3) provisioning of basic local service (except rates)

3.35 Special Construction – (facilities-based)

The Commission has approved language that authorizes Basic Local Exchange Companies to recover all or a portion of the Applicant's non-recurring costs for special construction. The tariff should include language similar to the following language for special construction.

Special construction is that undertaken:

- 1) Where facilities are not presently available, and there is no other requirement for the facilities so constructed.
- 2) Of a type other than that which the Company would normally utilize in the furnishing of its services.
- 3) Over a route other than that which the Company would normally utilize in the furnishing of its services.
- 4) In a quantity greater than that which the Company would normally construct.
- 5) On an expedited basis
- 6) On a temporary basis until permanent facilities are available.
- 7) In advance of Company's normal construction.

3.36 Individual Case Basis Pricing - (facilities-based/resale/pre-paid) Section 392.200 (8) RSMo. Cum. Supp. 1998 (<http://www.moga.state.mo.us/statutes/c300-399/3920200.htm>) allows individual case basis (ICB) pricing for Centrex and private line services. The Commission has previously approved the following tariff wording for Centrex and private line service with ICB pricing:

Application:

A. ICB language is authorized for dedicated, non-switched, private line, special access services, and for central office based switching systems which substitute for customer premise, private branch exchange (PBX) services, provided such customer specific pricing shall be equally available to incumbent and competitive local exchange telecommunications carriers.

Tariff Language:

B. Centrex and private line services will be made available to customers in a non-discriminatory manner. Rates for Centrex and local exchange

dedicated access, private line, non-switched services will be determined on an Individual Case Basis (ICB). ICB rates will be structured to recover the Company's cost of providing the service and will be made available to the Commission Staff upon request on a proprietary basis. ICB rates will not be used for switched services.

3.37 Caller ID - (*facilities-based/resale/pre-paid*)

The tariff should contain the following language:

This feature enables the Customer to view on a display unit the Calling Party Directory Name and/or Number (CPN) on incoming telephone calls. When Caller ID is activated on a Customer's line, the CPN of incoming calls are displayed at the called CPE during the first, long silent interval of the ringing cycle.

Per line blocking for blocking of CPN will be available upon request, at no charge, **ONLY** to the following entities for lines over which the official business of the agency is conducted, including those at the residences of employees/volunteers, where an executive officer of the agency registers a need for blocking and provides the required certification to Applicant:

- a) Private, nonprofit, tax exempt, domestic violence intervention agencies,
- b) Federal, state, and local law enforcement agencies.

The CPN will not be transmitted from a line equipped with this capability. Per line blocking is operational on a continuous basis but can be deactivated by the Customer by dialing an access code immediately prior to placing a call. Line blocking Customer can unblock their CPN information on a per call basis, at no charge, by dialing an access code (*82 on their touch tone pad or 1182 from a rotary phone) immediately prior to placing a call.

A Customer may prevent the delivery of their calling name and/or number to the called party by dialing an access code (*67 on their touch tone pad or 1167 from a rotary phone) immediately prior to placing a call. The access code will activate per call blocking, which is available at no charge. If the calling party activates blocking, the CPN will not be transmitted across the line to the called party. Instead, Calling Line Identification Customer will receive an anonymous indicator. This anonymous indicator notifies the Caller ID Customer that the calling party has elected to block the delivery of their name and telephone number. The blocking of CPN will not be provided on calls originating from Customer Owned Pay Telephones. If the Caller ID Customer also subscribes to Anonymous Call Rejection, the calling party will be routed to a telephone company recording advising the caller that the called party will not accept calls whose CPN has been blocked.

Any Customer subscribing to Caller ID will be responsible for the provision of a display device which will be located on the Customer's premises. The installation, repair, and technical capability of that equipment to function in conjunction with the feature specified herein will be the responsibility of the Customer. Company assumes no

liability and will be held harmless for any incompatibility of this equipment to perform satisfactorily with the network features described herein.

Telephone CPN information transmitted via Caller ID is intended solely for the use of the Caller ID subscriber. Resale of this information is prohibited by this tariff. CPN will not be displayed if the called party is off-hook or if the called party answers during the first ring interval. CPN will be displayed for calls made from another central office only if it is linked by appropriate facilities. CPN will be displayed for calls made from another central office only if it is linked by appropriate facilities. Caller ID is not available on operator-handled calls.

3.38 Call Trace *(All tariffs need call trace procedures)*

The following call trace language should be included in tariffs where the Applicant will resell services.

The following call trace language should be included in tariffs where the Applicant will resell services in GTE exchanges:

Company's call trace capability is not available on a per call basis. If a Customer wishes to have this capability they must presubscribe to Company's Call Tracing Service. A monthly recurring charge applies.

A Customer who pre-subscribes to Company's Call Tracing Service and wishes to attempt a Call trace must immediately after the call press *57, and hold the line. A recording will inform the Customer if the trace was successful, and how to proceed by contacting 911 and/or GTE's Nuisance Call Bureau. The recording will provide the number of the Nuisance Call Bureau. Under no circumstances will the Customer be provided the calling number. However, the Nuisance Call Bureau will follow up with law enforcement authorities according to GTE protocol.

The following call trace language should be included in tariffs where the Applicant will resell services in Sprint's exchanges:

Customers receiving annoying or anonymous calls may request a telephone number change which will be provided at no charge by [company's name], or the customer may utilize Call Trace on a per activation basis with an associated charge per use. Call Trace allows the customer to dial *57 to automatically request that the following information be recorded: a) the originating telephone number b) the date and time of the call and c) the date and time call trace was activated. When Call Trace successfully identifies a calling number, a recording instructs the customer to call a toll free number which will assist the customer. Should the customer decide to prosecute the originating party, the customer should contact [company's name] for further instructions. Activation of Call Trace never authorizes [company's name] to

provide the called party with the calling party telephone number. Call Trace is a feature which must be activated through contact with company's business office.

The following call trace language should be included in tariffs where the Applicant will resell services in SWB's exchanges:

Customers receiving annoying or anonymous calls may request (1) a telephone number change, which will be provided at no charge by company's name or (2) the capability to utilize Call Trace on a per activation basis, as needed. Call Trace allows the customer to dial a code (*57) to automatically request that the following information be recorded:

- The originating telephone number;
- The date and time of the call; and
- The date and time call trace was activated.

When Call Trace successfully identifies a calling number, a recording instructs the customer to call a toll free number, which will activate a Voice Response Script and assist the customer in establishing an open file. Should the customer decided to prosecute the call originating party, the customer should contact [company's name] for further instructions. Activation of Call Trace never authorizes [company's name] to provide the called party with the name or telephone number of the calling party. In the event that Call Trace is not available or is unable to resolve the case, it may be necessary to place a manual trap on the customer's telephone line.

3.39 Resale Restrictions – *(facilities-based)*

Tariff should indicate if the Company's services are allowed to be resold. If the services are allowed to be resold, the tariff should state that the services are allowed to be resold only by Companies who are certificated by the MoPSC.

3.40 Switched Access Services – *(facilities-based)*

Since switched access is purchased by other telecommunications companies (and not end-users), facilities based CLECs are strongly encouraged to have a different P.S.C. Mo. Number for its switched access tariff than the P.S.C. Mo. Number used for local services purchased by end-users. The same should be generally true for interexchange services.

Tariff needs to be clear in the application and rates for switched access services charged to interexchange carriers for intrastate calls. For example, terms of meet-point billing, if applicable, should be clearly set forth in those instances where the CLEC and ILEC each bill the IXC for use of the local network. Additionally, terms of local transport, end-office switching, CCL, and entrance facilities, all of which may or may not be appropriate depending on the Applicant's method of applying charges, should be clearly stated in the tariff.

The tariff should be clear in instances where the switch is serving as an end-office, serving wire center, tandem, or all three. The tariff should state if tandem switching/transport rate elements apply to IXC's in either case. Rates for switched access services are required to be "cost based". Pursuant to Case No. TO-99-596, intrastate switched access rates in Missouri are capped at a rate no higher than the incumbent(s) with whom the Applicant seeks to compete. Note: Incumbent local exchange carriers in Missouri have not restructured local transport and do not use rate elements such as interconnection charges and entrance facilities. However, the Commission has approved tariffs of competitive local exchange carriers who do utilize local transport restructuring. In such instances, the Staff will make calculations to ensure that the competitor's restructured rates are no greater in the aggregate than an incumbent's rates utilizing the equal charge method of providing switched access service. In such instances, the Staff will question any competitive rate element which appears to be residually priced. If the Applicant has any questions about switched access tariffs, please contact a staff member prior to filing the tariff.

3.41 3.41 Directory Listings - (facilities-based/resale/pre-paid)

The tariff should contain wording on its policy with regard to the subscriber's white pages directory listing. Typically, a Company's interconnection agreement allows the CLEC customer to have a listing in the incumbent's telephone directory and also allows for a no-charge copy to be delivered to the subscriber.

3.42 Statement of Company and Residential Customer Rights and Responsibilities (not for pre-paid basic local service providers – see section 3.45 for Customer Rights and Responsibilities statement for pre-paid basic local service provider language).- (facilities-based/resale/)

A. Application of tariff requirement:

MoPSC Rule 4 CSR 240-3.555, requires that telecommunications companies shall prepare a statement which in layman's terms describes the rights and responsibilities of the telecommunications company and its customers, and such statement shall appear in the telephone directory or may be mailed or otherwise delivered to new and existing customers. Staff's expectation is for this section of the tariff to state, verbatim, the wording which the CLEC will present to residential customers. Although individual company policies are expected to vary, the following is an example of similar wording previously approved by the Commission.

Pursuant to Commission rules (<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>), the following information will be provided to customers at the time service is established.

B. Tariff wording requirement:

Rights and Responsibilities of Missouri Residential Telephone Customer

This information is provided in accordance with the rules of the Missouri Public Service Commission and explains your rights and responsibilities as a residential telephone customer.

Your Telephone Bill

You will receive a telephone bill from us each month. (Company name) provides (list services provided e.g. basic local, long distance etc.) telephone service. (Company name) (does/does not) require a (deposit or advance payments) for service. Payment in full is due within (21) days of the date of the bill. If we do not receive your payment within (rules require a minimum of 21) days, your service is subject to suspension or disconnection. When paying by mail, be sure to allow enough time for your payment to reach us by the due date.

Payment Arrangements

Payment must be sent to (Company name) or made at one of our Agent locations. Payment for service may be made by credit card or check, or may be paid in cash at an authorized Agent location. If you are temporarily having difficulty paying your telephone bill, please call (Company name) immediately at (phone number). By doing this, you may avoid having your phone service suspended or disconnected.

Disconnection or Suspension of Telephone Service

Your telephone service is subject to disconnection or suspension for any of the reasons listed below. If service is disconnected, a new telephone number will be assigned and you will be required to pay installation charges again. If service is suspended, your telephone number is reserved for (number) days and you will not be charged installation charges again.

- 1) Nonpayment of an undisputed delinquent account.
- 2) Failure to post a required deposit or guarantee
- 3) Unauthorized used of telephone utility equipment in manner which creates an unsafe condition or creates the possibility of damage or destruction to such equipment.
- 4) Failure to comply with the terms of a settlement agreement.
- 5) Refusal after reasonable notice to permit inspection, maintenance, or replacement of telephone utility equipment.
- 6) Misrepresentation of the identity in obtaining telephone utility service.
- 7) As provided by federal and state law.

Reconnection of Service

After local telephone service has been disconnected, (Company name) will restore your service when the reason for the disconnection has been remedied. Before restoring your service, the following will be required:

- 1) Payment for all undisputed amounts must be received by (Company name) or its authorized agent.
- 2) Installation charges must be paid again if your service has been disconnected. Installation charges will not be charged if your service has been suspended.
- 3) (Insert additional wording here, e.g. deposit, if required)

Procedure for Handling Inquiries and Complaints

Telephone inquiries may be directed to (Company name) at (phone number). Written inquiries may be directed to (Company name and address).

Filing a Complaint with the Missouri Public Service Commission

If (Company name) cannot resolve your complaint, you may call the Missouri Public Service Commission, located at Governor's Office Building, 200 Madison Street, P.O. Box 360, Jefferson City, Missouri 65101. If (Company name) cannot resolve your complaint, you may call the Missouri Public Service Commission at 800-392-4211 to file an informal complaint.

You may contact the Missouri Office of the Public Counsel, representing the public before the Public Service Commission. The Missouri Office of the Public Counsel has an office at the Governor's Office Building, Jefferson City, Missouri 65101. The Public Counsel's telephone number is (573) 751-4857.

3.43 Tariff Requirements for Prepaid Basic Local Service – Refer to Case No. TO-97-196 – (resellers)

A. Application of tariff requirement:

Pre-paid basic local telephone service is defined as: Service paid for prior to being provided and for which a company does not perform consumer credit checking or application scoring, and does not require a deposit from the customer.

If applicant is providing basic local telephone service that fits the pre-paid definition, the Residential Customer Rights and Responsibilities Statement is different from that in section 3.44 and contains additional consumer information unique to pre-paid providers. This form must be stated in all tariffs offering pre-paid basic local telephone service to residential customers, and must be presented to all customers subscribing to pre-paid basic local telephone service.

MoPSC Rule 4 CSR 240-3.555 requires that telecommunications companies shall prepare a statement which in layman's terms describes the rights and responsibilities of the telecommunications company and its customers, and such statement shall appear in the telephone directory or may be mailed or otherwise delivered to new and existing customers. The tariff shall state, verbatim, the exact wording which the pre-paid basic local telephone service provider will present to residential customers. Although individual company policies are expected to vary, the following is an example of wording previously approved by the Commission. If applicant has any questions about tariff wording and Commission requirements for providing pre-paid basic local telephone service, applicant should contact a Staff member prior to filing the tariff.

Pursuant to MoPSC rule 240-3.555(2) [STATE COMPANY NAME] will provide the following information to residential customers at the time service is established.

B. Tariff wording requirement:

Residential Customer Rights and Responsibilities Statement for Pre-paid Basic Local Telecommunications Service.

Rights and Responsibilities of Missouri Residential Telephone Customer

This information is provided in accordance with the rules of the Missouri Public Service Commission and explains your rights and responsibilities as a residential telephone customer.

Your Telephone Bill

You will receive a telephone bill from us each month. (Company name) provides basic local telephone service only, including access to 9-1-1 service, where available in your area. (Company name) does not provide access to long distance, directory assistance service, or operator service. . (Company name) /does not require a deposit or advance payment for service. Your monthly payment in full is due within (state company policy – must be a minimum of 21 days) days of the date of the bill. If we do not receive your payment within (rules require a minimum of 21 days) days, your service is subject to suspension or disconnection. When paying by mail, be sure to allow enough time for your payment to reach us by the due date. When paying by mail, be sure to allow enough time for your payment to reach us by the due date.

A one-time installation fee and the first month's service charge plus associated taxes are required to initiate service. The installation fee is 100% refundable upon request for termination of service within 10 business days following the date on which the Statement of Rights and Responsibilities is either hand delivered or mailed to the Customer. In the event the Statement of Rights and Responsibilities is mailed to the Customer, the 10 business days shall start on the date of the postmark. The recurring monthly service charge plus associated taxes, is also refundable within 10 business days and shall be prorated for the actual number of days which service has been provided with the unused portion being refunded to the Customer.

Payment Arrangements

Payment must be sent to (Company name) or made at one of our Agent locations. Payment for service may be made by credit card or check, or may be paid in cash at an authorized Agent location. If you are temporarily having difficulty paying your telephone bill, please call (Company name) immediately at (phone number). By doing this, you may avoid having your phone service suspended or disconnected.

Disconnection or Suspension of Telephone Service

Your telephone service is subject to discontinuance for any of the reasons listed below. If your service is suspended, your telephone number is reserved for [state number] days and you will not be charged installation charges again. If, after a period of suspension, service is disconnected, a new telephone number will be assigned and you will be required to pay installation charges again.

- 1) Nonpayment of an undisputed delinquent account.
- 2) Failure to post a required deposit or guarantee
- 3) Unauthorized used of telephone utility equipment in manner which creates an unsafe condition or creates the possibility of damage or destruction to such equipment.
- 4) Failure to comply with the terms of a settlement agreement.

- 5) Refusal after reasonable notice to permit inspection, maintenance, or replacement of telephone utility equipment.
- 6) Misrepresentation of the identity in obtaining telephone utility service.
- 7) As provided by federal and state law.

Prior to discontinuance, [STATE COMPANY NAME] will send written notice by first-class mail notifying you of the impending discontinuance at least ten (10) days prior to the discontinuance of your service. Your service will not be discontinued until ten (10) days after such notice, and basic local telephone service may not be discontinued for failure to pay charges other than basic local telephone service, nor may your basic local telephone service be discontinued for failure to pay charges not subject to the jurisdiction of the Missouri Public Service Commission. Additionally, [STATE COMPANY NAME] will make reasonable efforts to contact you at least 24 hours in advance prior to discontinuance of your telephone service. Service may be discontinued during normal business hours on or after the date specified in the notice of discontinuance, but service may not be discontinued on a day when the offices of [STATE COMPANY NAME] are not available to facilitate reconnection or on a day immediately proceeding such day.

Residential Medical Emergency

Moreover, [State company name] will postpone a discontinuance for a time not in excess of 21 days if the telephone is necessary to obtain emergency medical assistance for a person who is a member of the household where the service is provided and where such a person is under the care of a physician. Any person who alleges such an emergency shall, if requested, provide [state company name] with reasonable evidence of such necessity.

Reconnection of Service

After local telephone service has been discontinued, [STATE COMPANY NAME] will restore your service when the reason for the discontinuance has been remedied. Before restoring your service, the following will be required:

- 1) Payment for all undisputed amounts must be received by [STATE COMPANY NAME] or its authorized Agent.

- 2) Installation charges must be paid again if your service has been disconnected.

Installation charges will not be charged if your service has been suspended.

- 3) [Insert additional deposit wording, etc. if required.]

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Rates for Telephone Service

Company is required to list all rates for all services it provides. Use this section for that purpose.

Procedures for Handling Inquiries and Complaints

Telephone inquiries may be directed to [STATE COMPANY NAME] at [provide phone number]. Written inquiries may be directed to [STATE COMPANY NAME AND COMPANY ADDRESS].

Filing a Complaint with the Missouri Public Service Commission

If [State company name] cannot resolve your complaint, you may call the Missouri Public Service Commission toll-free at 800-392-4211 or write the MISSOURI PUBLIC SERVICE COMMISSION, CONSUMER SERVICES DEPARTMENT, SUITE 800, 200 MADISON STREET, P.O. BOX 360 JEFFERSON CITY, MISSOURI 65102-0360, to file an informal complaint.

Also, the Missouri Office of the Public Counsel, representing the public before the Public Service Commission, has an office at 200 Madison Street, Suite 600, Jefferson City, Missouri 65101. The Public Counsel's telephone number is (573) 751-4857.

3.44 Equal Access Requirements - (facilities-based and reseller)

- Tariff should contain provisions which allow end-users the choice of intraLATA and interLATA interexchange carriers.
- Reseller CLEC tariffs should not attempt to restrict its end-users from the same interexchange carrier choices as are available to the end-users of ILECs whose services are being resold.

3.45 Substitute Sheets

The following information should assist you in submitting substitute tariff sheets/pages.

- A cover letter must accompany substitute sheets/pages, refer to Section I - General Information for PSC filing procedures and address.
- Staff may request substitute sheets/pages. The sheets/pages should remain “original sheet/page” numbers with the same issue and effective date. (The PSC Records Department will hand-stamp the new effective date).
- Applicant must submit the original and 5 copies of the substitute sheets/pages.
- Refer to Case Number and/or Tariff Number in cover letter.

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SECTION IV – Additional Information for Subsequent Tariff Revisions

4.0 Page Revisions – 4 CSR 240-3.545 (20)

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>

After the tariff is approved, tariff revisions may be made to the tariff on 30 days notice and with the approval of the Commission (see exceptions in 4.1-4.2). All subsequent revisions to the tariff must not be given supplemental page or sheet numbers but must be designated as, for example, “first revised” page or sheet replacing “original” page or sheet. Any additions to the tariff should be made according to 4 CSR 240-3.545 <http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>; for example, a page inserted between original pages 13 and 14 would be labeled original page 13.1.

4.1 Rate Increases and Decreases – 392.500 RSMo

<http://www.moga.state.mo.us/statutes/c300-399/3920500.htm>

This statute imposes a requirement for customers and the Commission to be notified at least 10 days in advance of proposed rate increases, and for the Commission to be notified at least 7 days in advance of proposed decreases. The Company is required to submit to the Commission a copy of the notification of rate increases sent to customers and a positive affirmation in writing that the notice was received by customers at least 10 days in advance of the rate’s effective date. A Notice of Rate Increases should ***not*** contain statements or references to rates being increased pending approval by the Commission. Customer notices must not make references to the Commission. Increases in the billing increments (for example, toll calls) are considered rate increases and are subject to 392.500 RSMo <http://www.moga.state.mo.us/statutes/c300-399/3920500.htm>.

SECTION V – INTERCONNECTION AGREEMENT INSTRUCTIONS

5.0 Procedure and Timeline

According to the Federal Telecommunications Act of 1996, the Commission has 90 days from the date of filing to review the interconnection agreement (agreement) and issue an Order approving the agreement. After the Telecommunications Department Staff (Staff) reviews the application and the intervention time allowance has lapsed, Staff files, into the official case file, a “Staff Recommendation” for Commission approval or rejection.

In its order approving interconnection agreement, the Commission directs the parties to refile a copy of the approved agreement with the pages numbered seriatim within the bottom margin of the agreement. However, if the agreement is originally filed with the pages numbered seriatim, one copy of the originally filed agreement will serve as the official copy and there will not be a need to refile the agreement after approval.

Any future changes or modifications to the agreement must be filed and approved by the Commission as stated in the Interconnection/Resale Agreement Report and Order and as outlined in Section VI of this packet.

5.1 Executive Summary

The interconnection agreement should include an executive summary addressing the following specific issues:

- a) A statement as to the effective date of the agreement, length of the agreement, the parties to the agreement and the purpose of the agreement.
- b) A statement as to whether the agreement is for resale, facility-based or both.

SECTION V – INTERCONNECTION AGREEMENT MODIFICATIONS

6.0 Filing Instructions

Any company submitting an Interconnection Agreement Modification (Modification) to the Commission, shall submit an original Modification with cover letter and three copies of the filing. The cover letter shall indicate areas of the Interconnection Agreement Modification being modified.

The Modification shall be numbered within the bottom margin of each page as per Commission Orders. All parties of the original Agreement must sign the Modification or will submit a pleading that indicates acceptance of the Modification.

